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10/628,976	07/28/2003	Brad Haerberle	2003P00904US01	7129

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Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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GORTAYO, DANGELINO N

ART UNIT	PAPER NUMBER
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2168

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/628,976

Applicant(s)

HAEBERLE ET AL.

Examiner

Dangelino N. Gortayo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/18/2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 16-35 are pending in this application.

### *Continued Examination Under 37 CFR 1.114*

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2006 has been entered.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 16-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Kalantar et al. ("Kalantar" US # 6,954,737).

**As per claim 16,** Kalantar teaches "A computer implemented method for providing information relating to service activity for a plurality of building sites and

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operation data for one or more systems located at one or more building sites.” (See Figure 1 reference 110, 120 and Abstract)

“providing a web portal comprising a database, and storing service related information about a plurality of building sites and operational data about one or more systems located in said one or more building sites in said database;” (column 6 lines 48-55, wherein a central management server connected to a WAN holds data regarding information about a plurality of building sites and operational data regarding maintenance).

“receiving at said web portal a request for information about service activities for one or more systems at one or more building sites from one or more clients;” (column 8 lines 7-19, wherein the central management server receives a request of information from an EMI unit, which is a client).

“determining at said web portal service activities that are implicated by said request;” (column 30 lines 38-64, wherein the central management server generates a list of tasks to be performed based on the request from the EMI unit).

“transmitting from said web portal service activity information implicated by said request to a client;” (column 31 lines 38-50, wherein the central management server sends the work schedule, including task list, to be displayed on the EMI unit in the first building site).

“receiving at said web portal a request for operational data related to said service information transmitted by said web portal,” (column 30 lines 47-51 and column 32 lines 25-43, wherein the central management server receives from the EMI unit a task status

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message, used with a work schedule, to determine necessary operations) "said operational data including information about the functional operation of a system" (column 13 lines 19-56, wherein the operation of a system may be monitored and updated, wherein the operation includes tasks necessary for the function of specific equipment) "to allow a user to determine whether the service was properly completed" (Figure 20, 21, and column 28 line 62 – column 9 line 5, wherein a service can be viewed by a user as being not done, passed, or failed)

"determining at said web portal the operational data implicated by said request;" (column 32 lines 44-57, wherein the central management server determines from the request the relevance of the status of each task and updates the task in the database

"and transmitting from said web portal operational data implicated by said request to a client." (column 33 lines 7-17, wherein the central management server sends the work status report to the EMI unit, and is synonymous).

**As per claim 17, Kalantar teaches** "said service activity information further comprises service contract information." (column 12 lines 14-33, wherein service activity information includes user records identifying where a user is scheduled to perform specified tasks, implying a contract and is analogous).

**As per claim 18, Kalantar teaches** "said service activity information further comprises information about the types of services being provided." (column 12 line 49 – column 13 line 7, wherein the central management server holds information on the types of tasks being provided as well as the status of tasks).

**As per claim 19, Kalantar teaches** “said service activity information further comprises information about the types of systems being serviced.” (column 13 lines 8-18, wherein the central management server holds information containing a number of templates, which defines the system being serviced).

**As per claim 20, Kalantar teaches** “said service activity information further comprises information about the status of service activities.” (column 12 lines 57-67, wherein service activity information held in the central management server includes task status identifiers to indicate a variety of states).

**As per claim 21, Kalantar teaches** “the step of providing a web portal comprises providing a web server.” (column 6 lines 15-24, wherein the central management server, representing the web portal communicates with facilities, representing facilities, representing clients, through a WAN, such as the world wide web).

**As per claim 22, Kalantar teaches** “computer implemented method for providing information relating to service activity for a plurality of building sites and operation data for one or more systems located at a building site:” (see Abstract).

“providing a web portal comprising a database, and storing service related information about a plurality of building sites and operational data about one or more systems located in said one or more building sites in said database;” (column 6 lines 48-55, wherein a central management server connected to a WAN holds data regarding information about a plurality of building sites and operational data regarding maintenance).

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“receiving at said web portal a request for operational data about one or more systems from one or more clients,” (column 30 lines 47-51 and column 32 lines 25-43, wherein the central management server receives from the EMI unit a task status message, used with a work schedule, to determine necessary operations) “said operational data including information about the functional operation of the one or more systems;” (column 13 lines 19-56, wherein the operation of a system may be monitored and updated, wherein the operation includes tasks necessary for the function of specific equipment)

“determining at said customer web portal operational data implicated by said request;” (column 32 lines 44-57, wherein the central management server determines from the request the relevance of the status of each task and updates the task in the database

“transmitting said operational data implicated by said request to a client.” (column 33 lines 7-17, wherein the central management server sends the work status report to the EMI unit, and is synonymous).

“receiving at said web portal a request for service information related to said operational data from one or more clients” (column 8 lines 7-19, wherein the central management server receives a request of information, which points to work status in the central management server, from an EMI unit, which is a client) “to allow a user to determine potential problems with a system” (Figure 20, 21, and column 8 lines 58-65, column 28 lines 23-37, column 28 line 62 – column 9 line 5, and column 29 lines 14-38, wherein a maintenance service can be scheduled to prevent future problems)



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“determining at said customer web portal service information implicated by said request” (column 30 lines 38-64, wherein the central management server generates a list of tasks to be performed based on the request from the EMI unit).

“ and transmitting said service related information implicated by said request to a client. (column 31 lines 38-50, wherein the central management server sends the work schedule, including task list, to be displayed on the EMI unit in the first building site).

**As per claim 23, Kalantar teaches** “said service activity information further comprises service contract information.” (column 12 lines 14-33, wherein service activity information includes user records identifying where a user is scheduled to perform specified tasks, implying a contract and is analogous).

**As per claim 24, Kalantar teaches** “said service activity information further comprises information about the types of services being provided.” (column 12 line 49 – column 13 line 7, wherein the central management server holds information on the types of tasks being provided as well as the status of tasks).

**As per claim 25, Kalantar teaches** “said service activity information further comprises information about the types of systems being serviced.” (column 13 lines 8-18, wherein the central management server holds information containing a number of templates, which defines the system being serviced).

**As per claim 26, Kalantar teaches** “said service activity information further comprises information about the status of service activities.” (column 12 lines 57-67, wherein service activity information held in the central management server includes task status identifiers to indicate a variety of states).



**As per claim 27, Kalantar teaches** “the step of providing a web portal comprises providing a web server.” (column 6 lines 15-24, wherein the central management server, representing the web portal communicates with facilities, representing facilities, representing clients, through a WAN, such as the world wide web).

**As per claim 28, Kalantar teaches** “A system for providing information about a plurality of building sites” (see Abstract)

“a server comprising a database for storing operational data from a plurality of building systems located in said plurality of building sites and for storing service activity information about said systems from a plurality of building sites,” (column 9 lines 20-35, wherein a central management server contains a database that stores facility records, including work schedule and task ids).

“said server capable of being operatively connected to one or more clients through a network,” (column 8 lines 7-20, wherein the central management server communicates with EMI units via a WAN).

“said server receiving requests for said operational data and said service activity data for one or more systems and transmitting said operational data and service activity data to a client,” (column 12 lines 34-44, wherein the central management server receives requests for work orders, which is processed and is sent back to the EMI unit, which can display the data) “wherein said operational data includes information about the functional operation of the system” (column 13 lines 19-56, wherein the operation of a system may be monitored and updated, wherein the operation includes tasks

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necessary for the function of specific equipment) "to allow a user to determine potential problems with a system" (Figure 20, 21, and column 8 lines 58-65, column 28 lines 23-37, column 28 line 62 – column 9 line 5, and column 29 lines 14-38, wherein a maintenance service can be scheduled to prevent future problems)

**As per claim 29, Kalantar teaches** "said service activity information further comprises service contract information." (column 12 lines 14-33, wherein service activity information includes user records identifying where a user is scheduled to perform specified tasks, implying a contract and is analogous).

**As per claim 30, Kalantar teaches** "said service activity information further comprises information about the types of services being provided." (column 12 line 49 – column 13 line 7, wherein the central management server holds information on the types of tasks being provided as well as the status of tasks).

**As per claim 31, Kalantar teaches** "said service activity information further comprises information about the types of systems being serviced." (column 13 lines 8-18, wherein the central management server holds information containing a number of templates, which defines the system being serviced).

**As per claim 32, Kalantar teaches** "said service activity information further comprises information about the status of service activities." (column 12 lines 57-67, wherein service activity information held in the central management server includes task status identifiers to indicate a variety of states).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalantar et al. ("Kalantar" US # 6,954,737) in view of Hunter et al. (US Patent 6,363,422 B1).

As per claim 33, Kalantar teaches claim 16 above. Kalantar does not teach "said one or more systems is selected from the group consisting of HVAC systems, fire safety systems and mechanical systems."

Hunter teaches "said one or more systems is selected from the group consisting of HVAC systems, fire safety systems and mechanical systems." (column 6 lines 17-57, column 8 lines 56-65, column 9 lines 19-30, and column 11 lines 28-49, wherein a system that can be a HVAC system, mechanical units, or health/safety/fire monitoring system is monitored and controlled by client systems connected to a server that processes system data and centrally manages alarms and functions). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Kalantar's system for the management of facility management with Hunter's method of monitoring and controlling different types of systems through clients connected to a server. This would give the user the advantage of being able to access many different types of building systems using one portal. They are both in the same field of invention,

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that of the management of facilities through a database. The motivation for doing so would be to monitor and control differing equipment systems in multiple facilities through a central server that a user can access. (column 3 lines 20-33)

**As per claim 34, Kalantar teaches claim 22 above. Kalantar does not teach “said one or more systems is selected from the group consisting of HVAC systems, fire safety systems and mechanical systems.”**

Hunter teaches “said one or more systems is selected from the group consisting of HVAC systems, fire safety systems and mechanical systems.” (column 6 lines 17-57, column 8 lines 56-65, column 9 lines 19-30, and column 11 lines 28-49, wherein a system that can be a HVAC system, mechanical units, or health/safety/fire monitoring system is monitored and controlled by client systems connected to a server that processes system data and centrally manages alarms and functions). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Kalantar’s system for the management of facility management with Hunter’s method of monitoring and controlling different types of systems through clients connected to a server. This would give the user the advantage of being able to access many different types of building systems using one portal. They are both in the same field of invention, that of the management of facilities through a database. The motivation for doing so would be to monitor and control differing equipment systems in multiple facilities through a central server that a user can access. (column 3 lines 20-33)

**As per claim 35, Kalantar teaches claim 28 above. Kalantar does not teach "said one or more systems is selected from the group consisting of HVAC systems, fire safety systems and mechanical systems."**

Hunter teaches "said one or more systems is selected from the group consisting of HVAC systems, fire safety systems and mechanical systems." (column 6 lines 17-57, column 8 lines 56-65, column 9 lines 19-30, and column 11 lines 28-49, wherein a system that can be a HVAC system, mechanical units, or health/safety/fire monitoring system is monitored and controlled by client systems connected to a server that processes system data and centrally manages alarms and functions). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Kalantar's system for the management of facility management with Hunter's method of monitoring and controlling different types of systems through clients connected to a server. This would give the user the advantage of being able to access many different types of building systems using one portal. They are both in the same field of invention, that of the management of facilities through a database. The motivation for doing so would be to monitor and control differing equipment systems in multiple facilities through a central server that a user can access. (column 3 lines 20-33).

### ***Response to Arguments***

7. Applicant's arguments, see page 7, filed 2/2/2007, with respect to the rejection of claims 16-32 in regards to 35 USC 102(e) have been fully considered but they are not persuasive.

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a. Applicant's argument is stated as "Kalantar does not disclose a method or system whereby operational and service information about a facility or a system can be retrieved such that the two types of information can be used together"

Examiner respectfully disagrees with the alleged argument.

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-I]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Applicant's arguments reciting a method or system whereby operational and service information about a facility or a system can be retrieved such that the two types of information can be used together" have been considered, but are moot since they recite features which do not actually appear in the claims. Any argument pertaining to features not actually claimed are not relevant to the examination on the merits and therefore moot. The operational data and the service information are stored in a database and are retrieved, and the following claim limitation merely state that operational data is related to service information, as shown in the Kalantar reference in column 6 lines 48-55 and

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column 9 lines 21-34, wherein a server contains maintenance information about tasks, status, staff, schedules, and like information for tasks, containing work schedules. In column 30 lines 47-51 and column 32 lines 25-43, the central management server receives from the EMI unit a task status message, used with a work schedule, to determine necessary operations. The tasks are used in conjunction with maintenance information, including a work schedule, and include operational data related to services, which can then be retrieved by the EMI units of Kalantar.

As to the new amendments to the limitations of independent claims 16, 22, and 28, "to allow a user to determine whether the service was completed" and "to allow a user to determine potential problems with a system", the use of the term "allow a user" do not cause any functionality to occur on the user's part. For purposes of examination, "to allow a user" is omitted in claim interpretation. As cited above, Kalantar in Figure 20, 21, and column 28 line 62 – column 9 line 5 teaches that service tasks for maintenance can be viewed by a user as being not done, passed, or failed. The task is shown to be properly completed when it is indicated as being "passed". Additionally, column 8 lines 58-65, column 28 lines 23-37, and column 29 lines 14-38 of Kalantar disclose tracking of an error count and using this number for performance records when accomplishing maintenance services; and that preventative maintenance tasks can be scheduled to prevent future problems, identifying potential problems and preventing future problems from occurring.



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**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dangelino N. Gortayo whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dangelino N. Gortayo  
Examiner



Tim Vo  
SPE



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